

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

ANGELICA DE LOS SANTOS; LUCIA SALAZAR; DASHA BAYS; individually, and on behalf of other members of the general public similarly situated,

Case No: C 10-1370 SBA

ORDER DENYING DEFENDANTS' MOTION TO STAY DISCOVERY

Plaintiffs,

VS.

PANDA EXPRESS, INC., a California corporation; PANDA RESTAURANT GROUP, INC., a California corporation, and DOES 1 through 10, inclusive,

Defendants.

Plaintiffs Angelica De Los Santos, Lucia Salazar and Dasha Bays (collectively,

“Plaintiffs”) are current and former employees of Defendants Panda Express, Inc., and Panda Restaurant Group (collectively “Defendants”), which allegedly engage in discriminatory employment practices against non-Asians. Defendants have filed a motion to dismiss or strike, which is set for hearing on December 7, 2010. Dkt. 13.

The parties are presently before the Court on Defendants' motion to stay discovery pending resolution for their motion to dismiss. Dkt. 16. Defendants argue that if their motion to dismiss is granted, there will be no need to conduct discovery. However, such rationale could be made in *every* case in which a motion to dismiss has been filed. As such, the Court finds that Defendants' justification for a stay of discovery to be unpersuasive. To the extent that Defendants contend that Plaintiffs' discovery requests are unduly burdensome, Defendants

1 may present their concerns to the assigned discovery magistrate judge in accordance with
2 Federal Rule of Civil Procedure 26. Accordingly,

3 IT IS HEREBY ORDERED THAT Defendants' motion to stay discovery is DENIED.

4 This Order terminates Docket 16.

5 IT IS SO ORDERED.

6 Dated: November 9, 2010


7 SAUNDRA BROWN ARMSTRONG
8 United States District Judge

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